IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 29616 of 2004(A)

PETITIONERS:

1. **T.C.RAGHAVAN, S/O.CHAANI, THAIVALAPPIL VEETTIL, MULLOORKARA VILLAGE, VALAVU DESOM, THALAPPILLY TALUK, THRISSUR DISTRICT.**

2. **KALYANI, W/O.UTHARA PARAMBIL PRABHAKARAN, MULLOORKARA VILLAGE, VALAVU DESOM, THALAPPILLY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.SONIYA.M
SMT.REHNA.P.G

RESPONDENTS:

1. **THE COMMISSIONER OF LAND REVENUE, BOARD OF REVENUE, COMMISSIONERATE OF LAND REVENUE, PUBLIC OFFICE BUILDING, MUSEUM, TRIVANDRUM.**

2. **THE REVENUE DIVISIONAL OFFICER, THRISSUR-3.**

3. **RAJESWARI, W/O.KANDUKULAM DASAN, VALAVU, MULLOORKARA P.O., THALAPPILLY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.P.K.SAJEEV
SRI.B.JAYASANKAR
SMT.V.VEENA (ALY)
GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.29616/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER D.T. 26.12.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE COUNTER FILED BY THE PETITIONERS BEFORE THE IST RESPONDENT .

EXT.P3:- COPY OF THE ORDER DT. 1.11.03 ISSUED BY THE IST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH, J.

W.P.(C) NO. 29616 OF 2004

Dated this the 26th day of November, 2007.

J U D G M E N T

Challenge is on Exhibit P3 order passed by the first respondent on an appeal filed by the third respondent against an order passed by the second respondent. The issue arises under the provisions of the Kerala Land Utilization Order.

2. According to the petitioners, the second respondent having passed a considered order, there is no justification in setting aside the order and remitting the matter to the second respondent without assigning any reason. On a perusal of Exhibit P3, it is seen that there no consideration at all to the contentions taken by the parties while setting aside Exhibit P1 order. Since the first respondent has been exercising a statutory jurisdiction, the reasons should have been stated while passing the impugned order.

I quash Exhibit P3 with a direction to the first respondent to consider the appeal filed by the third respondent afresh with notice to the petitioners and third respondent and pass appropriate orders in accordance with law adverting to the

contentions taken by the parties, within a period of four months from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp